

**FILED
UNDER
SEAL**

Prob12C
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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Ricardo Martinez**

Case Number: **2:01CR00166**

Name of Sentencing Judicial Officer: **Honorable Roger L. Hunt**

Date of Original Sentence: **December 14, 2001**

Original Offense: **Conspiracy to Distribute a Controlled Substance**

Original Sentence: **135 Months prison, followed by five years of supervised release.**

Date of Prior Revocation: **February 27, 2019**

Revocation Sentence: **6 months imprisonment concurrent with 2:03CR00295, followed by 53 months supervised release**

Date Supervision Commenced: **August 3, 2018**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Drug Testing** – You must submit to substance abuse testing to determine if you have used a prohibited substance. *Testing shall not exceed 104 tests per year.* You must not attempt to obstruct or tamper with the testing methods.

Martinez failed to report for required drug/alcohol testing on the following dates:

RE: Ricardo Martinez

Prob12C
D/NV Form
Rev. March 2017

September 26, 2020
September 27, 2020
October 4, 2020
October 5, 2020
October 6, 2020
October 12, 2020

2. **Live At Approved Place** - You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On October 14, 2020, Martinez admitted to moving to a new residence the night prior. Martinez did not have permission to move from his reported residence.

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **October 14, 2020**



Digitally signed by
Brianna King
Date: 2020.10.16
14:24:55 -07'00'

Brianna King
United States Probation Officer

Approved:



Digitally signed by Brian
Blevins
Date: 2020.10.16
12:29:22 -07'00'

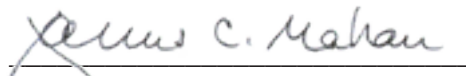
Brian Blevins
Supervisory United States Probation Officer

RE: Ricardo Martinez

Prob12C
D/NV Form
Rev. March 2017

THE COURT ORDERS

- ☐ No Action.
- X The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



Signature of Judicial Officer

October 19, 2020

Date

RE: Ricardo Martinez

Prob12C
D/NV Form
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. RICARDO MARTINEZ, 2:01CR00166**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
October 14, 2020**

On December 14, 2001, The Honorable Roger L. Hunt sentenced Martinez to 135 months of imprisonment, followed by a 5-year Term of Supervised Release for committing the offense of Conspiracy to Distribute Controlled Substances. Supervised release commenced on August 3, 2018, in the District of Nevada.

During Martinez's first term of supervision he had multiple violations to include methamphetamine use and traffic violations. On February 27, 2009, Martinez' supervised release was revoked, and he was sentenced to six months imprisonment, followed by a 53-month Term of Supervised Release. His second term of supervised release commenced on June 18, 2019, in the District of Nevada.

Martinez failed to report for required drug/alcohol tests on September 26, 2020 and September 27, 2020. At the time, it was believed that Martinez was still in custody pending charges for Assault with Use of a Deadly Weapon, as referenced in the Third Addendum. On September 30, 2020, Martinez contacted the undersigned officer and advised he was released from custody on September 25, 2020. Martinez was questioned as to why he failed to submit required drug/alcohol tests on September 26, 2020, and September 27, 2020. Martinez advised he was unable to call the drug testing line because he did not have his phone. Martinez was directed to submit a drug test on October 2, 2020. Martinez failed to submit to the test as directed.

On October 4, 2020, Martinez failed to submit a required drug/alcohol test. Following this missed test, Martinez sent the undersigned officer a text message advising of his failure to submit due to having police contact at his home. On October 5, 2020, the undersigned officer contacted Martinez in response to the missed drug test and police contact. During the conversation Martinez said his younger brother called the police stating that Martinez was assaulting him. Martinez further said that his brother was acting paranoid and reported seeing things that were not there. According to Martinez his brother was asked to leave the house due to his delusional and erratic behavior. The police contact on October 4, 2020 is pending further investigation by the probation office. Martinez was directed to submit a drug test following this conversation. Martinez failed to submit the drug test as instructed.

Martinez failed to submit a required drug/alcohol test on October 6, 2020. On October 7, 2020, the undersigned officer contacted Martinez at his residence for the purpose of a home contact. During this contact Martinez was reminded of his obligation to submit drug tests as required. Martinez advised he would get into compliance with drug testing.

RE: Ricardo Martinez

Prob12C
D/NV Form
Rev. March 2017

On October 12, 2020, Martinez failed to submit a required drug/alcohol test. On October 13, 2020, the undersigned officer left Martinez a voicemail in response to the missed drug test and asked that he return my correspondence. Martinez sent the undersigned officer a text message advising he would submit a drug test that day. Martinez failed to submit the drug test as required.

On October 13, 2020, Martinez requested permission to move in with his girlfriend Denise Aquino. The undersigned officer advised a records check would need to be conducted on Denise Aquino before he received approval to move. Therefore, Martinez was told he did not have permission to move until this investigation was completed. On October 14, 2020, Martinez contacted the undersigned officer and stated he believes he is being set up to take the blame for a crime. Martinez further stated that he moved in with his girlfriend, Denise Aquino, the night prior. After arriving at her apartment, he discovered her belongings were missing. He stated he believes that Denise Aquino's son's girlfriend had been murdered. Martinez further said he believed he is being set up for the murder due based upon Denise Aquino's belongings being missing from their apartment. During the conversation Martinez was making delusional statements and his erratic behavior increased. It is the undersigned officer's opinion Martinez was under the influence of illegal substances due to the delusional statements Martinez made during the conversation. He further stated he did not submit a drug test on October 13, 2020 as instructed.

As outlined in the addendum dated September 8, 2020, Martinez was arrested on August 16, 2020 on an outstanding warrant relating to Assault with Use of a Deadly Weapon, in violation of NRS 200.417.2b. This charge is the result of a shooting that occurred on March 19, 2020. Since submission of the addendum dated September 8, 2020, Martinez pled guilty to Assault with a Deadly Weapon, a Class B felony, and is set for sentencing on January 21, 2021. Per a state plea agreement, parties are stipulating to a sentence of 12 to 30 months in the NDOC.

Martinez has quit complying with drug testing and has not attempted to resume substance abuse treatment. Considering the new violations outlined above, it is the undersigned officer's opinion that Martinez has returned to his use of illegal substances. Martinez is refusing to submit drug tests and he is displaying erratic and delusional behavior. It should be noted that Martinez was under the influence of methamphetamine during the shooting that occurred on March 19, 2020. It is a concern that Martinez may be using illegal substances once again putting the community at risk for further crimes of violence. It is respectfully requested that a warrant be issued for his arrest and he be detained pending his revocation hearing. Martinez has proven to be a danger to the community and also presents himself a risk of flight

RE: Ricardo Martinez

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Respectfully submitted,



Digitally signed by
Brianna King
Date: 2020.10.16
14:25:47 -07'00'

Brianna King
United States Probation Officer

Approved:



Digitally signed by Brian
Blevins
Date: 2020.10.16 12:29:45
-07'00'

Brian Blevins
Supervisory United States Probation Officer